

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

RAMIRO FELIX GONZALES, §
Plaintiff, §
v. § CIVIL ACTION NO. 4:21-CV-00828
§
BRYAN COLLIER, Executive Director §
of the Texas Department of Criminal §
Justice, BOBBY LUMPKIN, Director §
of the Texas Department of Criminal §
Justice–Correctional Institutions §
Division, and DENNIS CROWLEY, §
Warden of the Huntsville Unit, §
Defendants. §

DEFENDANTS' UNOPPOSED MOTION TO FILE UNDER SEAL

Defendants Bryan Collier, Bobby Lumpkin, and Dennis Crowley respectfully request to file their Motion for Summary Judgment and two exhibits under seal.

In the deposition of the Texas Department of Criminal Justice (TDCJ) pursuant to Rule 30(b)(6), Bobby Lumpkin testified about specific details surrounding the execution chamber and execution process that is not information available to the public. The information implicates a security concern because wrongdoers could utilize the information in attempts to circumvent the security of the execution process. The execution process involves ultra-sensitive information, the confidentiality of which is imperative to maintaining the security of the process. The deposition was designated as “confidential” under the terms of the unopposed protective order entered in this case. ECF No. 25. Defendants intend to offer the deposition testimony as an exhibit to the Motion for Summary Judgment and respectfully request permission to file it under seal. Defendants’ MSJ Exhibit B.

Defendants also intend to submit photographs depicting the Huntsville Unit Warden in the execution chamber along with measurements and details of the gurney and chamber. Defendants' MSJ Exhibit C. For the same reasons, the photographs depict information that is not available to the public and implicate security concerns. The photographs were disclosed as "confidential" under the terms of the unopposed protective order. ECF No. 25.

Likewise, Defendants' Motion for Summary Judgment thoroughly discusses the same details about the execution chamber and execution process throughout the motion. Allowing Defendants to file their Motion for Summary Judgment and exhibits will not prejudice or hinder any party from litigating this case. Plaintiff will be provided with an unredacted copy of the filings, which will be protected under the terms of the Protective Order.

Accordingly, Defendants respectfully request to file the motion and exhibits B and C under seal.

Respectfully submitted,

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/s/ Leah O'Leary
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**ATTORNEYS FOR DEFENDANTS
COLLIER, LUMPKIN, AND CROWLEY**

CERTIFICATE OF CONFERENCE

I, Leah O'Leary, certify that on June 10, 2022, I conferred with counsel for Plaintiff Gonzales regarding the request presented in this motion. Plaintiff is unopposed to Defendants' request to file their motion for summary judgment and the deposition testimony under seal.

/s/ Leah O'Leary
Leah O'Leary
Assistant Attorney General

CERTIFICATE OF SERVICE AND ELECTRONIC FILING

I, Leah O'Leary, certify that on June 10, 2022, I electronically filed the foregoing document with the Clerk of the Court for the United States Court for the Southern District of Texas using the electronic case-filing (ECF) system of the Court, which electronically serves all counsel of record and registered users in this case.

/s/ Leah O'Leary
Leah O'Leary
Assistant Attorney General